

B8595HC
2.R32-4
Copy 1

Project
Redesign Warning Tickets and Regulation
CPM 2008
FY 08/09

Prepared By: William W. Poole
Captain, Region 2 Law Enforcement
South Carolina Department of Natural Resources

S. C. STATE LIBRARY

AUG 6 2009

STATE DOCUMENTS

CONTENTS:

1. Introduction.....	3
2. Problem.....	4
3. Data Collection.....	5
4. Data Analysis.....	6
5. Implementation Plan.....	10
6. Evaluation Method.....	11
7. Summary and Recommendation.....	12
8. Appendices	13

1. Introduction:

The South Carolina Department of Natural Resources is the agency tasked with managing, preserving, and protecting the states natural resources. The Department consists of five divisions: Law Enforcement, Wildlife and Freshwater Fisheries, Marine Resources, Outreach and Support Services, and Land, Water and Conservation.

The Law Enforcement Division is the largest division within the agency consisting of less than three hundred officers statewide. DNR Officers are very highly trained, having to complete not only the Criminal Justice Academy, but the specialized DNR Basic School as well, for a total of 18 weeks of Law Enforcement training. Officers must also complete in-service training at least once a year to stay current on changing laws and tactics as well as firearms training. Officers are also encouraged to attend and complete more advanced training such as MPOC (Marine Patrol Officer Course) sponsored by the U.S. Coast Guard, Dive Training, Long Gun Training (M-16), and many other types of tactical and Emergency Response types of training. In addition, all DNR Officers are required to have either a four year degree, or two years of College and two years of Class One Law Enforcement prior to being hired.

DNR Law Enforcement Officers are State Police and have more authority/jurisdiction than any other Law Enforcement officer in the state. In addition to being state police, we are also deputized federal officers by the U.S. Department of Interior. Our officers, whose primary focus are the hunting, fishing, boating, and trapping laws of the state,

routinely enforce alcohol, drug, and in cases where public safety is concerned, motor vehicle law. We can, and do, issue citations, arrest violators, and issue warning tickets for any violation of state law, with the exception of local ordinances.

2. Problem

The warning tickets we currently use are outdated and require information that is no longer necessary or allowed by law, such as gathering social security numbers. In addition, our warning tickets allow for only one violation per ticket. Many of our contacts, particularly when dealing with boats, have multiple violations. This means that if a person or boat has more than one violation, the officer has to hold him for an inordinate amount of time while he fills out a separate warning ticket for each offense. This in many instances causes the public to get irate. As a result, most officers issue the one ticket, and verbally warn for the others. This causes our reporting requirements on violations detected to be inaccurate and hampers our officers from meeting their unit averages, on which a portion of their EPMS is based.

The ability to put more than one charge per warning ticket would mean less time delaying the public, more accurately reflect actual violations detected, and help officers meet their averages. In addition, the new warning ticket I have designed would allow simply checking the preprinted block on the most common violations, instead of them having to write each individual violation on a separate warning ticket. It would be more user- friendly for the officers, thus encouraging use. The new ticket would be much faster, meaning less time required to fill out separate forms resulting in less contact time. It would also be easier to understand, as each violation would be documented on

the warning form, instead of requiring the person receiving the citation to remember a violation the officer warned about verbally.

Section 50-3-395 of the South Carolina Code of Laws provides the statutory authority to DNR officers to issue warning tickets. It states that the Department shall by regulation provide for the form, administration, and use of warning tickets. Regulation 123-601 addresses the use of warning tickets and doesn't appear to have been updated since 1976 when we were known as the S.C. Wildlife and Marine Resources Department. Much has changed in this time and the regulation needs updating with appropriate changes and language.

3. DATA COLLECTION

The goal is to identify, through comparisons and collected data, the benefits of a new warning ticket. I first used data collected from Records and Intelligence on the total number of warnings issued for the last fiscal year, 2007-2008. I used this information, as well as data collected from the four individual regions of the state, to identify the most common violations encountered by field officers to print on the new tickets. These most common infractions will be listed on the new warning tickets with a box to check instead of having to write it out as is currently required. It will also have the statute code listed beside the offense which will eliminate the need for the officer to look it up, guaranteeing accuracy.

I identified the number of times, through individual officer surveys, the frequency officers have given verbal warnings, in lieu of written warnings, when multiple violations

are encountered. It is my belief that this will show a much larger number of infractions encountered than what is reported using the current system.

Since July of 2008, I have had front line supervisors, while working with officers, time them on how long it takes them to issue one, and in the case of multiple offenses, two or more warnings. I compared those times on average, to the times it would take using the new formatted warnings that I have designed. Personal experience, as well as officer testimony, show that the majority of verbal and physical altercations involve the issuance of warning tickets. This is particularly true when dealing with boats in heavily congested areas where there is always a risk of damage to the public and state equipment. Any time saved when in a law enforcement situation reduces risk of property damage, as well as enhancing officer and public safety. I also addressed the changes in law and procedure in a new proposed regulation to amend the old (123-601).

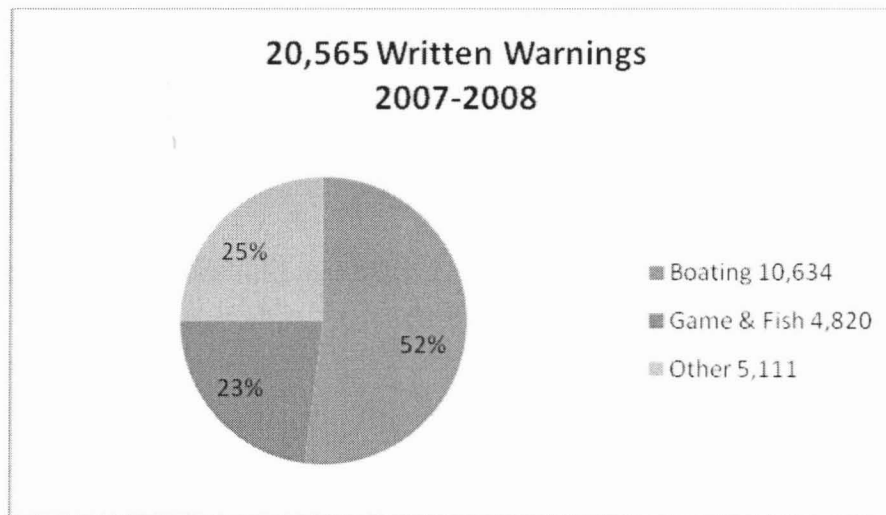
4. Data Analysis

A. There were 20,565 written warnings issued in fiscal year 2007-2008. Over half of the total numbers of warnings issued were boating related at 10,634. The most common infractions noted were numbering/registration violations, improper fire extinguishers, personal flotation devices, no type IV throwable device, no sound producing device, improper navigation lights, and no wake zone violations, in that order.

The second category was game and fish violations, with 4,820 warnings issued. More than half of these, 62%, were for license violations. The most common

violation noted was for hunting or fishing without license in possession as prescribed by law.

The third category was "other", with 5,111 warnings issued. These were comprised mainly of saltwater rules violations, wildlife management area infractions, state park and heritage preserve regulations, and a host of other minor categories.



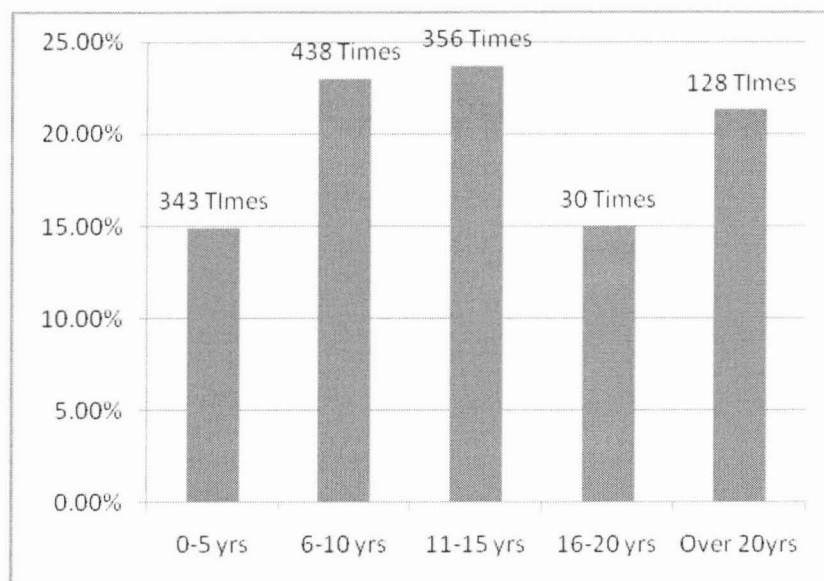
- B.** In an attempt to identify the number of times officers have given verbal warnings instead of written warnings when multiple violations were encountered, I sent out surveys, via e-mail, to all field officers for a response. In those surveys I requested the total number of times within the past year each officer had given verbal warnings instead of written warnings in cases of multiple violations, as well as their years of service. Of the 210 active field officers (doesn't include staff officers or

supervisors), 65 responded. This constitutes roughly thirty percent of officers that responded to the survey.

Of those sixty five officers, they reported issuing verbal warnings instead of written warnings 1,392 times this year, with the average per officer being 21.4 times. When you compare this average to the total number of field officers, there were 4,494 verbal warnings issued instead of written warnings. This means that instead of 20,565 total warnings issued last year, according to the data, it would have been 25,059, or an eighteen percent increase in warnings issued. This is a substantial difference, and the primary reason given by the officers was because of the time required to write out multiple warning tickets.

The data also shows that there is not a substantial difference in the tendency to issue verbal warnings instead of written warnings based on experience or years of service. The following is a breakdown of years of service, and averages that responded.

- 0-5 yrs-23 officers, 343 times, average 14.9%
- 6-10 yrs-19 officers, 438 times, average 23.0%
- 11-15 yrs-15 officers, 356 times, average 23.7%
- 16-20 yrs-2 officers, 30 times, average 15.0%
- Over 20 yrs-6 officers, 128 times, average 21.3%



This data, while not 100% accurate, clearly shows an across the board tendency to issue verbal warnings when more than one violation is encountered.

- C. Since July of 2008, I have had frontline supervisors observe officers while working with them on the times it takes to issue one, and in cases where more than one violation is noted, two and three warnings. Of the seventeen documented times, it took on average eight minutes to issue one warning ticket. In cases of two infractions, it averaged 12 minutes, three averaged 16 minutes.

Using the new ticket I have designed would allow for the same amount of time to issue three warnings as it would one. This would greatly reduce the amount of "face time" when dealing with the public in Law Enforcement situations. It would also greatly reduce the chance of injury and/or damage to state and public equipment working boating in heavily congested areas.

I also did a cost analysis on the printing of new warning books. The cost of printing new warning books with my design at the same size as we currently use would remain the same at \$1,316.35. This would, however, require a smaller font than we currently use. Printing the new books at the same size as our summons, with larger, easier to read font, would be \$1,594.00, a difference of \$278.12. This increase in price would be offset by a decrease in the number of books that would be needed, and I would anticipate a small savings.

5. Implementation Plan

What steps can be taken to remedy the issues addressed in this study? It is recommended that the following processes be implemented to improve officer productivity, provide for more accurate reporting, and improve officer safety. The action plans for these processes are described below.

Action steps: The first step would be the approval of the new format by the Deputy Director for Law Enforcement, Colonel Alvin Taylor. Regulation 123-601 needs to be rewritten to reflect new changes in law and language. This regulation was last updated in 1976 when we were still the SC Wildlife and Marine Resources Dept. Once ratified by the Legislature, it's a simple matter of submitting to the printer the new format for printing. As we already have a sound reporting system in place, there would be no adjustments to be made in Records and Intelligence according to Lt. Mike Sabaka. My belief is it would be much easier, as it would mean much less paper to be handled and

processed. Then, once the new books are received from the printer, distribute them to field officers, who are already in favor of this concept.

Timeframe and cost: The greatest time restraint would be the legislative process approving the reworded regulation 123-601. Implementation time would be minimal, with the greatest time requirement being with the printer, and how long it would take them to print the new books. Costs, as stated earlier, would be at a maximum of \$278.12 more, but I believe would be offset by the fact that we would not need as many printed, thereby reducing costs.

Potential obstacles: The obstacles that I foresee would be minimal at best. The largest being the rewriting of the regulation and getting it through the legislative process. This should not be a significant problem, as it is currently outdated. The new citation would require very little training, as it is self-explanatory, and any required training could be conducted at the region level.

Integration into standard operating procedure: Again, implementing this new system would require very little change from the way we currently do business. It would certainly be easier on the officers in the field, which is the ultimate goal, as well as beneficial to everyone at the supervisory level and for Records and Intelligence. It would also aid the public, as the citations would be much easier to understand.

6. Evaluation Method

In order to evaluate the success of this plan, after implementation, we would need to compare the yearly violation totals to those of the past fiscal year. Since we already

track these numbers, there would be no extra work involved. Of course, other factors would need to be considered such as how pending budget cuts and retirements would affect officer numbers. Also factors such as droughts and high gas prices that affect travel and boat traffic would have to be considered as well.

7. Summary and Recommendation

All of the data collected, as well as surveys from officers and supervisors show that this is a win-win for the field officer, supervisors, and the public who enjoy our natural resources. It requires very little change to the way we currently do business, would require less hands on paper, and speeds up processes. In addition, it is very cost-effective, with a small anticipated savings. Implementing this plan, as far as I can see and the data clearly shows, would only provide benefits. I recommend it be implemented as soon as possible.

APPENDICES

Appendix 1: Current Warning Ticket, pg. 13

Appendix 2: Proposed Warning Ticket, pg. 14

Appendix 3: Current Regulation 123-601, pg. 15

Appendix 4: Proposed Regulation 123-601, pg. 16

SOUTH CAROLINA
DEPARTMENT OF NATURAL RESOURCES
VIOLATION OF WARNING NOTICE

State of South Carolina

12356

Name _____

Address _____

SSN - -

DOB - -

Sex _____ Race _____ DL# _____

Charge _____

Code Sec. No. _____ Offense Code _____

Violation Date _____, 20 _____ Time _____ (24 HRS)

At or Near _____

Possible Fine Amount _____

This warning carries with it a request to learn and abide by all
Fish, Game and Boating Laws so that our natural resources
can be safely enjoyed by present and future generations.

DNR Officer _____ Co. # _____

Call # _____

☐ GAME & FISH ☐ BOATING ☐ SW REC ☐ SW COMM ☐ OTHER

SOUTH CAROLINA
DEPARTMENT OF NATURAL RESOURCES
WARNING NOTICE OF VIOLATION

State of South Carolina

123456

Total Number of Violations _____

Name _____

Address _____

DOB - -

Sex _____ Race _____ DL# _____

Code Sec. No. _____ Offense Code _____

Violation Date _____, 20 _____ Time _____ (24 HRS)

At or Near _____

- | | |
|--|------------|
| <input type="checkbox"/> No Boat Registration, Numbers, Decal | 50-23-310 |
| <input type="checkbox"/> No Fire Extinguisher, Fire Extinguisher not charged | 50-21-170 |
| <input type="checkbox"/> PDF not Coast Guard approved (non-serviceable) | 50-21-170 |
| <input type="checkbox"/> No Type IV (throwable) PFD on Class I, II, III boat | 50-21-170 |
| <input type="checkbox"/> No Sound Producing Device | 50-21-170 |
| <input type="checkbox"/> Failure to display Navigation Lights | 50-21-170 |
| <input type="checkbox"/> No Wake Zone violation | 50-21-170 |
| <input type="checkbox"/> Hunt, Fish w/o License in Possession | 50-9-50 |
| <input type="checkbox"/> WMA Violation _____ | 50-11-2200 |

☐ Other offenses: _____

☐ Other offenses: _____

☐ Youthful Offender under age of 17 yrs.

DNR Officer _____ Co. # _____

Call # _____ Officer ID

☐ GAME & FISH ☐ BOATING ☐ SW REC ☐ SW COMM ☐ OTHER

(Statutory Authority: 1976 Code 50-3-395)

123-601. Use of Warning Tickets.

The use of warning tickets is limited to misdemeanor cases under Title 50 in which the Conservation Officer in his judgment determines that the enforcement of the law, the education of the public, and the protection of the resources of the state will best be served by the issuance of a warning ticket in lieu of a summons ticket.

The form prescribed for such warning ticket shall be substantially as below and the ticket shall be issued in triplicate with one copy to the violator, one copy retained by the officer and once copy forwarded to the Chief of Law Enforcement or his designee.

The form of the South Carolina Wildlife and Marine Resources Department Warning Ticket shall have the following information:

1. Name of Department – S.C. Wildlife & Marine Res. Dept
2. Name of Form – Violation Warning Notice
3. Name of violator
4. Social Security number of violator
5. Address of violator
6. Date of birth of violator
7. Date of warning
8. Violation
9. Code section
10. Location
11. The following statement: "This warning carries with it a request to learn and abide by all Fish, Game and Boating Laws so that our natural resources can be safely enjoyed by present and future generations."
12. Signed by Conservation Officer
13. Radio call number of Conservation Officer
14. County of violation
15. A listing as follows with a box to mark type of violation:
i.e. Game and Fish
Boating
Commercial Fishing

123-601. Use of Warning Tickets.

The use of warning tickets is limited to misdemeanor cases under Title 50 in which the Conservation Officer in his judgment determines that the enforcement of the law, the education of the public, and the protection of the resources of the state will best be served by the issuance of a warning ticket in lieu of a summons ticket.

The form prescribed for such warning ticket shall be substantially as below and the ticket shall be issued in triplicate with one copy to the violator, one copy retained by the officer and once copy forwarded to the Chief of Law Enforcement or his designee.

The form of the South Carolina Department of Natural Resources Warning Ticket shall have the following information:

1. Name of Department – S.C. Department of Natural Resources
2. Name of Form – Warning Notice of Violation
3. Name of violator
4. Address of violator
5. Date of birth of violator
6. Date of warning
7. Violation
8. Code section
9. Location
10. Signed by Conservation Officer
11. Radio call number of Conservation Officer
12. County of violation
13. A listing as follows with a box to mark type of violation:
 - i.e. Game and Fish
 - Boating
 - Commercial Fishing